IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 13663 of 2005

Between:

M/s. Padmapriya Cements, Sattivada Village, Gara Mandal,
Srikakulam, Rep by its Manging Director,
Mr. Kurada Prasada Rao

..... PETITIONER

AND

1 The Addl. Commissioner (CT) A.P. Commercial Taxes Complex,
Opp : Gandhi Bhavan, M.J. Road, Hyderabad - 500 001.
2 The Commercial Tax Officer, Srikakulam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Certiorari or any other appropriate Writ or Order or Direction calling for the records of the 1st Respondent dt. 22-6-2005 in CCT's Ref.No. L.V.(3)887/05, and quash the same as arbitrary, contrary to the provisions of the Act and consequently grant stay of collection of disputed tax of Rs. 22,001/- Rs. 3,97,476/- for the assessment years 1997-98, 1998-99 respectively pending disposal of the appeals before the Sales Tax Appellate Tribunal and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.SHAIK JEELANI BASHA

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following :

ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties. With their consent, the writ petition is disposed of at this stage.

It is submitted that the stay pending appeal was declined. After hearing both the parties, in the interest of justice, we direct that on payment of 50% of the disputed amount pending appeal, within six weeks, the respondents may not take any coercive steps to recover the amounts. Any amount paid during the pendency of the appeal, may be given set off.

The writ petition is accordingly disposed of. No costs.

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BILAL NAZKI, ACJ

DATE: 30th June, 2005

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K.C. BHANU,J

Pnb

To

1 The Addl. Commissioner (CT), A.P. Commercial Taxes Complex,
Opp : Gandhi Bhavan, M.J. Road, Hyderabad - 500 001.
2 The Commercial Tax Officer, Srikakulam.

3 Two C.Cs. to the Government Pleader for Commercial Tax, High Court Buildings, Hyderabad. (OUT)

4 Two C.D. copies